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**REMARKS/ARGUMENTS**

This Amendment is in response to the outstanding Official Action mailed November 19, 2003, the shortened statutory period for filing a response being set to expire on February 19, 2004. In view of the above amendments and below remarks, reconsideration of the pending application is respectfully requested.

The Examiner has objected to the drawings with respect to the lead line for reference "132" on the right side of Fig. 11A. Applicant submits herewith a replacement sheet correcting the informality noted by the Examiner.

The Examiner has also made a general comment with respect to the requirements for an abstract. The Examiner's attention is directed to the abstract submitted with Applicant's response dated August 26, 2003. It is believed that the abstract of record meets the requirements stated by the Examiner in the Official Action. In the event the Examiner believes otherwise, Applicant requests that the Examiner specify the particular issues that need to be addressed by Applicant.

Applicant has amended claims 22 and 34 to overcome the informalities noted in the Official Action.

The Examiner has designated dependent claims 23, 24, 26-29, 31, 32, 35-40, 42, 43, 45, 46, 48 and 49 as being allowable if rewritten in independent form including all the limitations of their base claim and any intervening claims. Applicant has amended claims 22 and 34 to include the subject matter of allowable dependent claims 45 and 48, respectively. As to the additional amendments to independent claims 22 and 34, such amendments are for the purpose of clarifying the nature of the claimed invention, and not intended as an estoppel as to the application of the Doctrine of Equivalents with respect to these limitations. In addition, Applicant has rewritten allowable

dependent claims 31, 32, 42 and 43 in independent form as newly proposed claims 50, 51, 52 and 53, respectively. Accordingly, all claims in this application are now in condition for allowance, and notice to that effect is respectfully requested.

Applicant submits herewith a Supplemental Information Disclosure Statement for consideration by the Examiner.

As previously advised in Applicant's Amendment dated August 26, 2003, there is currently pending related Application Serial No. 10/305,565. Applicant submits herewith a copy of an Official Action dated October 3, 2003 which was received in the '565 application for consideration by the Examiner.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which she might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: February 9, 2004

Respectfully submitted,

By 

Stephen B. Goldman

Registration No.: 28,512

LERNER, DAVID, LITTENBERG,

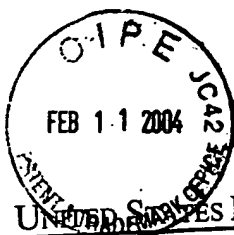
KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant



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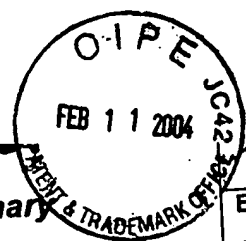
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/305,565	11/27/2002	Odd N. Oddsen JR.	INNOFF 3.0-005 CONT DIV II	9376
530 7590 10/03/2003 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER BAXTER, GWENDOLYN WRENN	
			ART UNIT 3632	PAPER NUMBER

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PLEASE MAKE  
CORRECTIONS TO  
DRAWINGS AND  
ORDER FORMALS

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10/305,565

## Office Action Summary

Examiner  
Gwendolyn BaxterArt Unit  
3632

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No( ) 24.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other.

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This is the first office action for serial number 10/305,565, Arm Apparatus for Mounting Electronic Devices, filed on November 27, 2002. This application is a divisional application 10/166,419 filed 6/10/02, pending which is a continuation of 09/405,628 filed 9/24/99 now patent 6,478,274 which claims benefit of 60/133,378 filed 05/10/99.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the centerline of the first and second coupling and a longitudinal centerline of the body must be shown or the feature(s) canceled from the claims 7, 9, 10, 19, 21 and 22. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Information Disclosure Statement***

The information disclosure statements filed November 27, 2002 and July 27, 2002 have been placed in the application file, and the information referred to therein has been considered.

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***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
the declaration fails to address the continuation data provided above.

***Claim Objections***

Claims 1 and 11 are objected to because of the following informalities: In claim 1, line 2, "compromising" should read --comprising-- and claim 11, line 9, "if" should read --of--.  
Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, and 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Prior Art Figures 1-5B supplied by applicant, hereinafter Prior Art. The present invention reads on Prior Art as follows: The Prior Art disclose an extension comprising a body formed by a pair of

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spaced apart sidewalls, a wall, and an open bottom. A first coupling (12) disposed at a first end of the body (14). A second coupling (18) disposed at a second end of the body. The first and second coupling include an inner surface having a plurality of grooves formed therein. See figures 1 and 2. The body is u-shaped. See figure 4B. A centerline (along element 22) of the first coupling and centerline (along 92) of the second coupling are aligned with a longitudinal centerline (along element 28) of the body when both the first and second couplings are pivoted such that coupling are in horizontal alignment with the body. Figure 1 of the Prior Art shows the body being aligned above a lower edge (below 24) of the first coupling and aligned with a lower edge (below 24) of the second coupling. The body is disposed at angle between the first coupling and second coupling when the first coupling and second couplings are disposed such that an axial centerline of each the first and second couplings are vertical. The body is horizontally disposed between the first coupling and second coupling when the first coupling and second couplings are disposed such that an axial centerline of each said first and second couplings are vertical.

Claims 1, 11, 12, 14, and 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,695,024 to Haven. The present invention reads on Haven as follows: Haven teaches an extension arm comprising a body (16) formed by a pair of spaced apart sidewalls (not numbered), a top wall and an open bottom. The sidewalls forms an open interior portion of the body for containing a gas spring therein. A first coupling (14) formed from a first walled member providing an opening (about axis C) therein. The first coupling is attached to one end of the



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body. A second coupling (18) is formed from a second walled member providing an opening (about axis F) therein. The second coupling is attached to the other end of the body. The first and second walled members prevent communication between the openings in the first and second couplings and the interior portion of the body. The opening in the first coupling and second coupling extends therethrough. A centerline of the first coupling and a centerline of the second coupling are aligned with a longitudinal centerline of the body. A lower surface of the body is aligned above a lower edge of the first coupling and aligned with a lower edge of the second coupling. The body is disposed at an angle between the first coupling and the second coupling when the first coupling and the second coupling are disposed such that an axial centerline of each the first and second couplings are vertical. The body is horizontally disposed between the first coupling and the second coupling when the first coupling and the second coupling are disposed such that an axial centerline of each the first and second couplings are vertical. The first and second couplings are hollow cylindrical members.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 2, 4, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,695,024 to Haven in view of U.S. Patent No. 4,687,167 to Shalka et al. Haven teaches an extension arm comprising a body (16) formed by a pair of spaced apart sidewalls (not numbered), a top wall and an open bottom. The sidewalls forms an open interior portion of the body for containing a gas spring therein. A first coupling (14) formed from a first walled member providing an opening (about axis C) therein. The first coupling is attached to one end of the body. A second coupling (18) is formed from a second walled member providing an opening (about axis F) therein. The second coupling is attached to the other end of the body. The first and second walled members prevent communication between the openings in the first and second couplings and the interior portion of the body. However, Haven fails to teach the first and second walled member including a set screw having an end is in communication with the opening.

Skalka teaches an extension arm comprising a body (40), a first coupling (26), and a second coupling (46). Each coupling has a set screw (36, 58) contained in the couplings sidewall. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the first and second couplings as taught by Haven to have incorporated the set screw as taught by Skalka for the purpose of applying friction in resistance to a pivotal movement thereby positioning the arm in a desired position.

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### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-23 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 22-44 of copending Application No. 10/079,804. Although the conflicting claims are not identical, they are not patentably distinct from each other. Claims 22-44 of Application No. 10/079,804 recites a forearm extension comprising a U- shaped body having a first and second ends, and a first and second coupling having respectively a set screw contained in a sidewall thereof. The inner surface

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of the first and second coupling having a plurality of grooves formed therein, respectively. A centerline of the first and second end coupling, respectively, are aligned with a longitudinal centerline of the body. The body is disposed at an angle between the first and second coupling and the second coupling when the first coupling and the second coupling are disposed such that an axial centerline of each is vertical. The body is horizontally disposed between the first coupling and the second coupling when the first end coupling and the second are disposed such that an axial centerline of each is vertical.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### *Conclusion*

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Valeska 3,436,046; Hamilton 4,159,093 and Acevedo 5,348,260.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is (703) 308-0702. The examiner can normally be reached Monday-Friday from 8:30 A.M. to 5:00 P.M. Eastern Time Zone.

Any inquiry of a general nature or relating to the status of this application should be

Application/Control Number: 10/305,565

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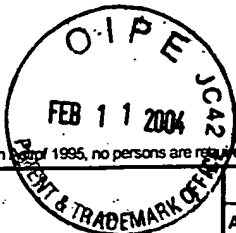
Art Unit: 3632

directed to the Group receptionist whose telephone number is (703) 308-1113. The fax phone number for this Group is (703) 305-3597.

gb.  
September 25, 2003

**GWENDOLYN BAXTER**  
**PATENT EXAMINER**

*Art Unit 3632*



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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

### Complete if Known

Application Number	10/305,565
Filing Date	November 27, 2002
First Named Inventor	Odd N. Oddsen Jr.
Art Unit	3632
Examiner Name	G. Baxter
Attorney Docket Number	INNOFF 3.0-005 CONT DIV II

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
GB	AA	US-2,151,877	03-28-1939	WALKER	
GB	AB	US-3,409,261	11-05-1968	LEPORATI	
GB	AC	US-376,617	01-17-1888	VANCE	
GB	AD	US-4,437,638	03-20-1984	SCHEIBENPFLUG	
GB	AE	US-4,447,031	05-08-1984	SOUDER, JR. ET AL.	
GB	AF	US-4,523,732	06-18-1985	BIBER ET AL.	
GB	AG	US-4,616,798	10-14-1986	SMEENGE ET AL.	
GB	AH	US-4,706,919	11-17-1987	SOBERALSKI ET AL.	
GB	AI	US-4,783,036	11-08-1988	VOSSOUGH	
GB	AJ	US-4,844,387	07-04-1989	SORGI ET AL.	
GB	AK	US-5,379,205	01-03-1995	PENG	
GB	AL	US-5,876,008	03-02-1999	SWEERE ET AL.	
GB	AM	US-6,095,468	08-01-2000	CHIRICO ET AL.	

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### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
GB	BA	JP-10-254581	09-25-1998	UCHIDA YOKO CO		✓
GB	BB	JP-11-085315	03-30-1999	UCHIDA YOKO CO		✓

\*EXAMINER: Initial if reference considered; whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
GB	CA	Global Manufacturing Products sold under the name "Shuttle Plus" (pictures).	
	CB	Lesco Model L310	

\*EXAMINER: Initial if reference considered; whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

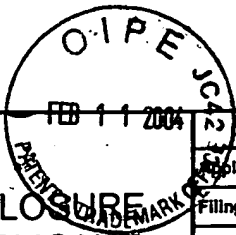
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Examiner Signature	G. Baxter	Date Considered	9/25/03
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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete If Known

Application Number	Not Yet Assigned
Filing Date	HEREWITH
First Named Inventor	Odd N. Oddsen, Jr.
Art Unit	Not yet assigned
Examiner Name	Not yet assigned
Attorney Docket Number	INNOFF 3.0-005 CONT

31017 U.S. PTO  
10/30/5565  
11/27/02

Sheet 1 of 1

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
GB		4,821,159	4/11/89	Pike	
		4,852,842	8/1/89	O'Neill	
		5,743,503	4/28/98	Voeller, et al.	
		5,584,596	12/17/96	Greene	
		6,076,785	6/20/00	Oddsen, Jr.	
		5,174,531	12/29/92	Perakis	
		5,390,685	2/21/95	McCoy	
		5,437,427	8/1/95	Johnson	
		6,179,263	1/30/01	Rosen, et al.	
		3,131,900	5/5/64	Anderson, et al.	
		3,489,383	1/13/70	Anson	
		3,424,419	1/28/69	Siegel	
		5,642,819	7/1/97	Ronia	
		5,664,750	9/9/97	Cohen	
		999,283	8/1/11	White	
		4,266,747	5/12/81	Souder, Jr., et al.	
		4,494,177	1/15/85	Matthews	
		4,687,167	8/18/87	Skalka, et al.	
		4,695,024	9/22/87	Haven	
		4,708,312	11/24/87	Rohr	
		4,768,744	9/6/88	Leeds	
		4,770,384	9/13/88	Kuwazima, et al.	
		4,852,500	8/1/89	Ryburg, et al.	
		5,123,621	6/23/92	Gates	
		6,012,693	1/11/00	Voeller, et al	

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## FOREIGN PATENT DOCUMENTS

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		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See attached Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

Examiner Signature	G. Boxer	Date Considered	9/25/03
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.